

**REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 5-6 and 9-16 are presently active in this case. The present Amendment amends Claims 5, 9, 10, 12, 14 and 16 and cancels Claims 1-4 and 7-8 without prejudice or disclaimer.

The outstanding Office Action rejected Claims 1-16 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1-4 were rejected under 35 U.S.C. §102(b) as anticipated by Shigemori et al. (U.S. Patent No. 5,740,079, herein "Shigemori").

Initially, Applicants respectfully request that references AW and AX cited in the Information Disclosure Statement filed January 25, 2002 be acknowledged as having been considered in the next Office Action. The references AW and AX were cited in the International Search Report (ISR) in English dated June 12, 2001 and the relevancy in view of the original claims of these documents is indicated. The ISR was filed at the U.S.P.T.O together with the application on October 22, 2001.

Claims 5-6 and 9-16 were indicated as allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter.

In response, Claim 5 is rewritten in independent form by incorporating all the features of Claim 1. Claim 9 is rewritten in independent form by incorporating all the features of Claim 7. Claim 10 is amended to be in independent form by incorporating all the features of Claim 2. Claim 12 is amended to be in independent form by including all the features of Claims 1 and 3. Claim 14 is amended to be in independent form by including all the features of Claims 2 and 4. Claim 16 is amended to be in independent form by including all the features of Claim 8. Further, rejected Claims 1-4 and 7-8 are cancelled. Applicants reserve

the right to present cancelled Claims 1-4 and 7-8, or similar claims, in a continuation application and to address any traversed issues in such application.

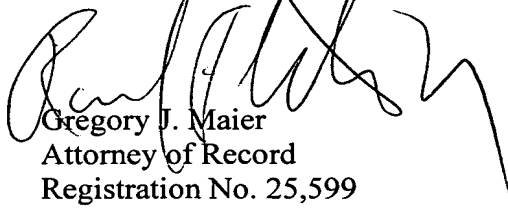
In response to the rejection under 35 U.S.C. §112, second paragraph, Claims 5, 9, 10, 12, 14 and 16 are amended to correct the noted informalities and to be in more proper U.S. claim drafting form. In particular, Claims 5, 9, 10, 12 and 16 are amended to delete "such as a coloring agent defining the sample color." Claims 5, 10, 12 and 14 are amended replace "such as" with "including at least one of a." Claims 9 and 16 are amended to delete "above" and to replace "presuming" with "choosing" or "estimating." Furthermore, Claims 5, 9, 10, 12, 14 and 16 are amended to correct the informalities related to the antecedent basis noted in the outstanding Office Action. In view of amended Claims 5, 9, 10, 12, 14 and 16, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 5-6 and 9-16 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Raymond F. Cardillo  
Registration No. 40,440

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

I:\ATTY\NS\00104\214187US\214187-AM1-DRAFT1.DOC

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP01/01316

A. CLASSIFICATION OF SUBJECT MATTER  
Int.Cl<sup>7</sup> G01J3/46

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
Int.Cl<sup>7</sup> G01J3/00-3/52Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
Jitsuyo Shinan Koho 1922-1996 Toroku Jitsuyo Shinan Koho 1994-2001  
Kokai Jitsuyo Shinan Koho 1971-2001 Jitsuyo Shinan Toroku Koho 1996-2001Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
ECLA  
JOIS  
WPI/L

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y A	Sen i Kako, Vol.39, No.11 (Japan) (1987), pages 501 to 511	1-7 8,9
Y A	Toso Kogaku, Vol.30, No. 3, (Japan) (1995), pages 103 to 108	1-7 8,9
A	JP, 11-271144, A (Toppan Printing Co., Ltd.), 05 October, 1999 (05.10.99), Full text (Family: none)	1-9

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

\* Special categories of cited documents:  
 "A" document defining the general state of the art which is not considered to be of particular relevance  
 "E" earlier document but published on or after the international filing date  
 "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  
 "O" document referring to an oral disclosure, use, exhibition or other means  
 "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone  
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art  
 "&" document member of the same patent family

Date of the actual completion of the international search  
30 May, 2001 (30.05.01)Date of mailing of the international search report  
12 June, 2001 (12.06.01)Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.



# COPY

SHEET 1 OF 1

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

214187US2PCT

SERIAL NO.

09/926,359

## LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Kazuo SANO, et al.

FILING DATE

October 22, 2001

GROUP

2877

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
	AO	11-271144	10/05/99	JAPAN		
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	SEN I KATO, Vol. 39, No. 11, pages 501-511, 1987
	AX	TOSO KOGAKU, Vol. 30, No. 3, pages 103-108, 1995
	AY	
	AZ	

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.